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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,464

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Michiaki Koizumi

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON, DC 20005

EXAMINER

DAGLAWI, AMAR A

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,464	KOIZUMI ET AL.	
	Examiner	Art Unit	
	AMAR DAGLAWI	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/20/2006, 12/02/2008, 01/15/2009, 10/02/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1, 11, 15 and 21 have been amended. New claim 22 has been added.

Claims 1-18 and 21-22 are pending in the current communication. Claims 19 and 20 are cancelled. The amendment has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1-18, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seong (US 2004/0056985) in view of Kuramitsu (US 7,221, 903 B2).

With respect to claim 1, Seong teaches a mobile phone for receiving a video signal and displaying video on a screen (abstract), comprising:

a generating unit operable to generate display information (Fig.1, Fig.6, par [0070-0072]);

and a display unit operable to generate downscaled video by downscaling the video being displayed on the screen relative to a size of the displayed video (abstract, Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

However, Seong fails to teach an acquiring unit operable to acquire incoming signal information display information related to an incoming signal and display the downscaled video in a first display area and the second display information in a second display area, the first and second display areas being obtained by partitioning the screen which is taught in the same field of endeavor by Kuramitsu (See Fig.9, Fig.10, Fig.11, col.15, lines 8-45). [In Fig.9, the flowchart teaches the reception of an incoming

call that causes the display in Fig.11 to partition into screens, one depicting a video signal and the other displaying information regarding the caller]

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of the mobile terminal to incorporate the view as taught by kuramitsu so as to combine an image signal and a video signal in which the image signal and the video signal are superimposed during voice communication.

With respect to claim 2, Seong in view of kuramitsu further teaches the incoming signal information includes ID information identifying an originator and the generating unit generates the display information based on the ID information [kuramitsu, In Fig.11, col.15, lines 44-59, the incoming signal includes text data identifying the caller]

With respect to claim 3, Seong in view of kuramitsu further teaches the display unit stores ratio information showing an area ratio between the first display area and the second display area and generates the downscaled video by downscaling the video based on the ratio information (Fig.8-9, Fig.11a-Fig.11b, par [0074-0080], par [0086-0090]).

With respect to claim 4, Seong in view of kuramitsu further teaches the mobile phone further receives an audio signal corresponding to video signal and outputs and the mobile phone further comprises a volume adjusting unit operable to adjust a volume of the audio output on acquiring the incoming signal information and the audio output

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unit operable to output or mute the audio based on the adjusted volume (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 5, Seong in view of kuramitsu further teaches the acquiring unit acquires the detection information by detecting a prescribed operation by the user during video display in a standard video display orientation and the display unit generates downscaled/rotated video as the downscaled video by downscaling and rotating the video 90 degrees from the standard video display orientation if the detection information is acquired (Fig.8-9, Fig.11a-Fig.11b, par [0074-0080], par [0086-0090]).

With respect to claim 6, Seong in view of kuramitsu further teaches the display unit, on receipt of new ratio information showing an area ratio between a third display area different in size from the first display area and a fourth display area obtained by partitioning the screen, upscales or further downscales the downscaled/rotated video based on the received ratio information, and displays the downscaled/rotated video after upscaling or further downscaling in the third display area and the display information in the fourth display area (Fig.8-9, Fig.11a-Fig.11b, par [0074-0080])

With respect to claim 7, Seong in view of kuramitsu further teaches an operation instruction receiving unit operable to receive an operation instruction from the user; a switching instruction receiving unit operable to receive a switching instruction from the user to switch an operation target; and an operation switching unit operable, on receipt of the switching instruction, to switch the target of an operation based on the operation instruction, from a first function relating to display of the downscaled/rotated video to a

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second function relating to the display information, or from the second function to the first function. (Fig.8-9, Fig.11a-Fig.11b, par [0074-0080], par [0086-0090]).

With respect to claim 8, Seong in view of kuramitsu further teaches the operation switching unit stores output destination information showing one of the first function and the second function as the target of the operation based on the operation instruction, and rewrites the output destination information on receipt of the switching information, from information showing the first function to information showing the second function, or from information showing the second function to information showing the first function, and the operation instruction receiving unit outputs the operation instruction to one of the first function and the second function, according to information shown by the output destination information (abstract, Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090], par [0086-0088]).

With respect to claim 9, Seong in view of kuramitsu further teaches the mobile phone further receives an audio signal corresponding to the video signal, and outputs audio, and the mobile phone further comprises: an operating instruction receiving unit operable to receive an operating instruction relating to the mobile phone; a volume adjusting unit operable to adjust the volume of the audio output on receipt of the operating instruction; and an audio output unit operable to output or mute the audio based on the adjusted volume (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 10, Seong in view of kuramitsu further teaches two speakers disposed one on either side of the screen; and an audio output unit operable

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to play audio included in a television broadcast signal in stereo using the two speakers when the two speakers are positioned laterally relative to the video, and in monaural using the two speakers when the two speakers are positioned vertically relative to the video (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 21, Seong in view of kuramitsu teaches the generating unit, when the acquiring unit acquires the incoming signal information generates the display information related to the and the incoming signal, when the acquiring unit acquires the incoming signal information generates the downscaled video by downscaling the video being displayed on the screen relative to the size of the displayed video, and displays the downscaled video and the display information respectively in the first display area and the second display area obtained by partitioning the screen (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 11, Seong teaches A display method used by a mobile phone that receives a video signal and displays video on a screen, and includes an acquiring unit, a generating unit and a display unit (abstract), comprising the steps of:

using the generating unit to generate display information (Fig.1, Fig.6, par [0070-0072]);

using the display unit to generate downscaled video by downscaling the video being displayed on the screen relative to a size of the displayed video and display the downscaled video (abstract, Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

However, Seong fails to teach using the acquiring unit operable to acquire incoming signal information display information related to an incoming signal and display the downscaled video in a first display area and the second display information in a second display area, the first and second display areas being obtained by partitioning the screen which is taught in the same field of endeavor by Kuramitsu (See Fig.9, Fig.10, Fig.11, col.15, lines 8-45) [In Fig.9, the flowchart teaches the reception of an incoming call that causes the display in Fig.11 to partition into screens, one depicting a video signal and the other displaying information regarding the caller].

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of the mobile terminal to incorporate the view as taught by kuramitsu so as to combine an image signal and a video signal in which the image signal and the video signal are superimposed during voice communication.

With respect to claim 12, Seong in view of kuramitsu further teaches the incoming signal information includes ID information identifying an originator, and the generating step generates the display information based on the ID information [kuramitsu, In Fig.11, col.15, lines 44-59, the incoming signal includes text data identifying the caller]

With respect to claim 13, Soeng in view of kuramitsu further teaches the acquiring step uses the acquiring unit to acquire the detection information by detecting a prescribed operation by the user during video display in a standard video display

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orientation, and the display step uses the display unit to generate downscaled/rotated video as the downscaled video by downsampling and rotating the video 90 degrees from the standard video display orientation, if the detection information is acquired (abstract, Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 14, Soeng further teaches the mobile phone further includes two speakers disposed one on either side of the screen and an audio output unit and the display method further comprises the step of using the audio output unit to play audio included in a television broadcast signal in stereo using the two speakers when the two speakers are positioned laterally relative to the video and in monaural using the two speakers when the two speakers are positioned vertically relative to the video (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 15, Soeng teaches A computer program applied in a mobile phone that receives a video signal and displays video on a screen, and includes an acquiring unit, a generating unit and a display unit, the computer program causing a computer to execute the steps of (abstract):

using the generating unit to generate display information related (Fig.1, Fig.6, par [0070-0072]);

However, Seong fails to teach using the acquiring unit operable to acquire incoming signal information display information related to an incoming signal and display the downscaled video in a first display area and the second display information in a second display area, the first and second display areas being obtained by

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partitioning the screen which is taught in the same field of endeavor by Kuramitsu (See Fig.9, Fig.10, Fig.11, col.15, lines 8-45) [In Fig.9, the flowchart teaches the reception of an incoming call that causes the display in Fig.11 to partition into screens, one depicting a video signal and the other displaying information regarding the caller].

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of the mobile terminal to incorporate the view as taught by kuramitsu so as to combine an image signal and a video signal in which the image signal and the video signal are superimposed during voice communication.

With respect to claim 16, Soeng in view of kuramitsu further teaches the incoming signal information includes ID information identifying an originator and the generating step generates the display information based on the ID information

With respect to claim 17, Soeng in view of kuramitsu further teaches the acquiring step uses the acquiring unit to acquire the detection information by detecting a prescribed operation by the user during video display in a standard video display orientation, and the display step uses the display unit to generate downscaled/rotated video as the downscaled video by downsampling and rotating the video 90 degrees from the standard video display orientation, if the detection information is acquired (abstract, Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090], par [0086-0088]).

With respect to claim 18, Soeng in view of kuramitsu further teaches the mobile phone further includes two speakers disposed one on either side of the screen, and an

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audio output unit, and the computer program further causes the computer to execute the step of: using the audio output unit to play audio included in a television broadcast signal in stereo using the two speakers when the two speakers are positioned laterally relative to the video, and in monaural using the two speakers when the two speakers are positioned vertically relative to the video (Fig.1, Fig.6, Figs 8-9, par [0079-0080], par [0090])

With respect to claim 22, Seong teaches a mobile phone for receiving a video signal and displaying video on a screen (abstract) comprising:

a generating unit operable to generate display information (Fig.1, Fig.6, par [0070-0072]);

However, Seong fails to teach a generating unit operable to generate display information related to the incoming signal and a display unit operable, if the incoming signal is acquired during display of the video on the screen, to display the video and the display information on the screen so as not to overlap each other which is taught in related art by kuramitsu (See Fig.9, Fig.10, Fig.11, col.15, lines 8-45) [In Fig.9, the flowchart teaches the reception of an incoming call that causes the display in Fig.11 to partition into screens, one depicting a video signal and the other displaying information regarding the caller].

It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of the mobile terminal to incorporate the view as taught by kuramitsu so as to combine an image signal and a video signal in

which the image signal and the video signal are superimposed during voice communication.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi
Examiner
Art Unit 2618

/Amar Daglawi/
Examiner, Art Unit 2618

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2618